

EXHIBIT D

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA**

DECLARATION OF P. MICHELE ELLISON

I, P. Michele Ellison, hereby declare and state:

1. I currently serve as the Acting General Counsel of the Federal Communications Commission (“FCC” or “Commission”), a federal agency headquartered at 45 L Street NE, Washington, DC 20554. I have held this position since January 2021. I previously served in various other senior roles at the Commission, including as the Deputy General Counsel for more than 20 years, Chief of the Enforcement Bureau, Chief of Staff of the agency, and a prior stint as Acting General Counsel. I am an attorney, licensed in the District of Columbia, and I have worked at the FCC since 1995. In my present role, I oversee the Office of General Counsel for all matters, including the enforcement of Commission forfeiture orders.

2. Through the exercise of my official duties, I am familiar with the FCC's January 14, 2021, Forfeiture Order against Scott Rhodes. I make the following statements in my official capacity. This declaration is submitted in support of the United States' complaint seeking to enforce the Forfeiture Order against Scott Rhodes.

3. On behalf of the Federal Communications Commission, I have requested that the Department of Justice seek a writ of mandamus pursuant to 47 U.S.C. § 401 commanding Scott Rhodes to comply with the Truth in Caller ID Act, 47 U.S.C. § 227(e)(1), and all other provisions of the Communications Act of 1934, as amended, 47 U.S.C. §151 *et seq* ("Act"). The willful and repeated nature of Mr. Rhodes' violations of the Act as reflected in the Commission's Forfeiture Order warrant such injunctive relief.

I declare, under penalty of perjury under the laws of the United States of America, in accordance with 28 U.S.C. § 1746, that the foregoing is true and correct. Executed on September 27, 2021, in Arlington, VA.

P. Michele Ellison

P. Michele Ellison
Acting General Counsel
Federal Communications Commission